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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,979	09/10/2003	Gabriel Slup	10286.0292.CPUS04 BJSC:29	3971
23369	7590	03/20/2006	EXAMINER	
HOWREY LLP C/O IP DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DRIVE, SUITE 200 FALLS CHURCH, VA 22042-7195			THOMPSON, KENNETH L	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/658,979	<b>Applicant(s)</b> SLUP ET AL.	
	<b>Examiner</b> Kenneth Thompson	<b>Art Unit</b> 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-15, 20-37, 39, 40 and 45-49 is/are pending in the application.  
4a) Of the above claim(s) 45-49 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 6-9, 12-15, 20-29 and 32 is/are allowed.
- 6) ☒ Claim(s) 4, 5, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 2, 10, 11, 30, 31 and 33-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

The indicated allowability of claim 39 is withdrawn in view of the newly discovered reference to Bourne, Jr., U.S. 3,094,170. Rejections based on the newly cited reference follow.

### ***Claim Objections***

Claims 2 and 30 are objected to because of the following informalities:

The recitation "the circular cross section" in claim 2, line 2 should be changed to "the non-circular cross section". Claims 10 and 11 depend from claim 2 and are likewise objected to.

The recitation "the step of proving" in claim 30, line 1 should be changed to "the step of providing". Claims 31 and 33-37 depend from claim 30 and are likewise objected to.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Hernandez et al., US 2004/0000407.

Regarding claims 4 and 5, Hernandez et al. discloses a mandrel (16), a packing element inherently included in the completion in figure 5, a flapper valve (14), tab (26), recess (31),

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spring (not shown, 0019), hinge (24) and a curved shape providing adaptation precluding relative rotation between it and the mandrel.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 39 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Bourne, Jr., U.S. 3,094,170.

Regarding claims 39 and 40, Bourne Jr. discloses a hollow mandrel (38), a packing means (44,46), a valve (62) engaging the mandrel (at 60) such that relative rotation is precluded to facilitate removal (col. 6, lines 17-33), a central member (72) having a selective releasing means (84) and an anchoring means (18).

#### ***Allowable Subject Matter***

Claims 1, 6-9, 12-15, 20-29, 31 and 32 are allowed.

Claims 2, 10, 11, 30, 31 and 33-37 would be allowable if rewritten to overcome the objection set forth in this Office action.

#### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

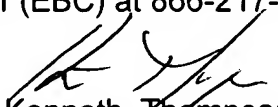
Here et al., U.S. 5,137,090 discloses in figures 1B, 2 and 4 a flapper (12) appearing to have a similar tab.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

16 March 2006

  
Kenneth Thompson  
Primary Examiner  
Art Unit 3672